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12 Attorneys for Defendant
13 RAMESH "SUNNY" BALWANI

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN JOSE DIVISION

17 UNITED STATES OF AMERICA,
18
19 Plaintiff,
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21 v.
22
23 RAMESH "SUNNY" BALWANI,
24
25 Defendant.

Case No. CR-18-00258-EJD

**DEFENDANT RAMESH "SUNNY"
BALWANI'S SUPPLEMENTAL REPLY
IN SUPPORT OF MOTION TO
CONTINUE SENTENCING**

**Date: November 7, 2022
Time: 1:30 p.m.
CTRM.: 4, 5th Floor**

Hon. Edward J. Davila

1 Mr. Balwani supplements his reply in support of his motion to continue his sentencing
2 with information not available as of the reply brief filed on the evening of October 31, 2022.
3 Criminal Local Rule 32-5 provides that the final Presentence Report and recommendations must
4 be disclosed to counsel “at least 14 days before the date set for sentencing.” Based on the current
5 sentencing date of November 15, 2022 (subject to a ruling on Mr. Balwani’s pending continuance
6 motion), the final Presentence Report and recommendations were due on November 1, 2022.
7 Counsel did not receive the report on November 1, and still has not received it as of this filing.

8 The Probation Office has been highly professional, helpful, and responsive throughout the
9 presentence investigation process, and we do not fault that office in any way. Nonetheless, a case
10 of this complexity requires counsel to have the full period mandated by the Local Rules to
11 consider the findings in the final Presentence Report when preparing Mr. Balwani’s submissions
12 to this Court. In addition to the grounds for a continuance previously addressed, the new
13 circumstances mean that the scheduled sentencing hearing cannot go forward because of the 14-
14 day requirement in the Local Rules.

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16 DATED: November 2, 2022

Respectfully submitted,

ORRICK HERRINGTON & SUTCLIFFE LLP

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19 By: /s/ Jeffrey B. Coopersmith
Jeffrey B. Coopersmith

20 Attorney for Defendant
21 RAMESH “SUNNY” BALWANI